

MONTANA PUBLIC DEFENDER COMMISSION
BUDGET COMMITTEE MEETING

State Capitol, Room 152

July 24, 2009

Draft Minutes

Call to Order

The meeting of the Budget Committee of the Montana Public Defender Commission was called to order at 11:25 a.m. by Committee Chair Jennifer Hensley.

Commissioners Present

Caroline Fleming, Miles City, Mike Sherwood, Missoula; Tara Veazey, Helena; Stephen Nardi, Kalispell; Jennifer Hensley, Butte; Kenneth Olson, Great Falls; and Richard (Fritz) Gillespie, Helena

Other Interested Parties

Randi Hood, Chief Public Defender; Harry Freebourn, Administrative Director; Scott Crichton, American Civil Liberties Union of Montana (ACLU); and Judge Sheldon Singer, representing the American University evaluation team

Approval of Minutes

The minutes of the January 9, 2009 meeting were approved as submitted.

Purpose of Committee

The Budget Committee serves as a clearinghouse for detailed budget information, and provides summary information to the entire Commission.

Estimated Financial Results for FY 09 (exhibit B-1)

Mr. Freebourn reported that the agency finished in the black. He reviewed the Actual/Estimated expenditures and noted that these are preliminary unaudited estimates for FY 09.

Commissioner Sherwood asked about the anticipated caseload increase for FY 10. Mr. Freebourn said that he is projecting a 5.3% increase, which equals 1500 cases. Commissioner Hensley said that the cost disparity between Missoula and Billings has been partly blamed on the way cases are counted and asked for an explanation later in the meeting. She thanked all OPD staff for their frugality in coming within budget on behalf of the Commission. Chief Hood said that it was accomplished through the efforts of every person in the agency, and Mr. Freebourn thanked Brent Doig for his help during the process.

Next Audit

The next audit is scheduled to begin in January. The auditors will look closely at internal controls this time. The agency has done a lot of work in this area, including establishing procedures for separation of duties and appropriate monitoring and oversight.

Commission Report by Region (exhibit B-2)

Mr. Freebourn said that staff spent many hours on the Region 9 (Billings)/Region 2 (Missoula) cost discrepancy. He noted that rent costs are highest in the state in the Missoula area, and Region 2 has offices in Hamilton as well, where Billings has only one office. In addition, it was discovered that in FY 08 and FY 09, Billings municipal court cases were counted differently than in other regions due to their docketing system. This inflated the Billings case numbers by about 500 cases per year compared to other regions. The figures have been adjusted and cases are now being entered uniformly throughout the system.

Investigator costs are also much higher in Billings. Chief Hood said some of the discrepancies are cultural. Although OPD has three investigators in Billings, Yellowstone County was a wealthy county under the old system and they were used to investigating every case. In Great Falls, the culture is to do a mental health evaluation on every client, and in Missoula one of the judges orders a chemical dependency evaluation in every case. When she met with her regional deputies last week, they looked at these kinds of disparities and had a fruitful discussion and some interesting ideas.

Commissioner Veazey asked for a year-end regional analysis based on type of case. Mr. Freebourn will provide a report both by cost and case numbers by type of case by region.

Mr. Freebourn said the PCR numbers on the Program 2 report appear to be incorrect and they will be fixed.

Public Comment

Mr. Crichton asked if the difference in contracted services between Billings and Missoula was due to staff vacancies in Billings? Chief Hood said that Billings has been at full staff since January, but their costs in Hardin and other outlying areas are high. In addition, a homicide has been contracted out in the Billings region.

Old Business/New Business (*Action Items)

There were no action items.

Adjourn

The meeting adjourned at noon.